No. 84-1678

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ALEXANDER L. STEVAS
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1984

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Petitioner,

v.

N.A.A.C.P. LEGAL DEFENSE AND EDUCATIONAL FUND, INC.,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MEMORANDUM OPPOSING CERTIORARI

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1. The United States Court of Appeals for the District of Columbia Circuit based its holding in this case upon well-established principles of trademark law. Neither the holding nor the rationale of that court's opinion is in conflict with the law applied by other circuit courts or this Court.

2. Although the parties to this action are two well-known civil rights organizations, this is nothing more and nothing less than a meat-and-potatoes trademark action. It raises no important question of federal law and, as all trademark cases, its resolution turns on the application of straightforward legal principles to the peculiar fact pattern which gave rise to the dispute.

3. The lynch-pin of petitioner's argument here — as it was before the two lower courts — is that the petitioner never gave respondent more than a revocable license to use the initials "N.A.A.C.P." On the undisputed facts, the Court of Appeals ruled that the grant was *not* revocable and that, in any event, petitioner's thirteen-year silence following its threat of legal action constituted laches barring the injunctive relief here sought. Nor, as petitioner argues, is the circuit court's holding on laches in conflict with *Menendez* v. *Holt,* 128 U.S. 514 (1888). For in *Menendez,* as the circuit court noted, this Court recognized the significance of a defendant's reliance interest in considering the issue of laches. *Id.* at 524. *See National Association for the Advancement of Colored People* v. *N.A.A.C.P. Legal Defense and Educational Fund, Inc.,* 753 F.2d 131, 137 n. 4 (D.C. Cir. 1985).

These fact-bound issues do not warrant this Court's time. And we might echo the court of appeals in noting that the organizations themselves have better things to do than to continue this litigation.

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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